

# EXHIBIT 4

REPORT OF OPINIONS OF RICHARD L. RAUCK, M.D.

QUALIFICATIONS

I, Richard L. Rauck, M.D., an anesthesiologist and owner of Carolinas Pain Institute, state as follows:

I graduated from Bowman Gray School of Medicine, Wake Forest University. I performed my internship at The Medical Center in Columbus, Georgia and completed my residency at University of Cincinnati College of Medicine. I also completed a fellowship in Pain Control at University of Cincinnati College of Medicine. I am board certified in Anesthesiology and Pain Medicine.

I am currently the President of Carolinas Pain Institute in Winston-Salem, North Carolina. I am also a Clinical Associate Professor of Medicine, Department of Anesthesiology, Wake Forest University School of Medicine. I am the Medical Director of The Center for Clinical Research in Winston-Salem.

I have been continuously licensed to practice medicine in the State of North Carolina from 1986 until the present. During the 12 months preceding September 2012 until the present, I have practiced in the specialty of anesthesiology and pain medicine.

Additional details regarding my education and training, as well as a list of publications I have authored during the last ten years, are contained in my curriculum vitae, a copy of which is attached.

Based on information provided to me relating to Nashville, Tennessee including but not limited to the number of hospitals, community size, availability of medical specialties and medical services, demographic information including population, median age, median income, gender and educational background it is my opinion that Winston-Salem and Nashville are similar communities.

Furthermore, the medical and physiological considerations involved in the administration of epidural steroid injections for pain treatment are not influenced by any geographic differences between Winston-Salem and Nashville. Physicians in these communities have access to the same information, equipment and medication. Treatment of patients with epidural steroid injections does not change from Winston-Salem to Nashville. Nor does the management of pain management centers change from communities such as Winston-Salem to Nashville.

Regarding the issues in this matter, the standard of care is the same for patients presenting to Saint Thomas Outpatient Neurosurgical Center in 2012 as they are in Winston-Salem, Nashville or other similar communities.

Based on my education, training and experience, I am familiar with the recognized standard of acceptable professional practice in the specialty of anesthesiology and in the management of pain centers in Winston-Salem, North Carolina and similar communities during 2011- 2012. In my opinion, during the 12 months preceding September 2012 and in the context

of the matters that I am offering testimony, Winston-Salem and Nashville are similar communities.

#### INFORMATION REVIEWED

My statements and opinions are based on my experience, training and education along with my review of the following:

- My review of medical records of 17 patients receiving epidural steroid injections at Saint Thomas Outpatient Neurosurgical Center during 2012;
- Documents regarding the regulatory history of New England Compounding Pharmacy, Inc., d/b/a/ New England Compounding Center ("NECC");
- Information from the United States Centers for Disease Control and Prevention ("CDC"), including the *Morbidity and Mortality Weekly Report* dated December 13, 2002 regarding certain cases of fungal meningitis caused by contaminated epidural steroids made by a compounding pharmacy;
- Information from an October 23, 2003 hearing before the United States Senate's Committee on Health, Education, Labor, and Pensions regarding pharmacy compounding;
- Information published by the United States Food and Drug Administration ("FDA") regarding compounded drug products, compounding pharmacies, and the risks associated with compounded drugs;
- Information published by The American Society of Health System Pharmacists warning the pharmacy and medical community of the risks of using compounded drugs;
- Certain Federal, Tennessee and Massachusetts pharmacy laws governing pharmacy compounding; and
- The depositions and exhibits of Debra Schamberg, R.N., John Culclasure, M.D., Jeff Ebel, Carmen Leffler, D.Ph., Martin Kelvas, D.Ph., and Terry Grinder, D.Ph., as well as portions of the depositions of Michael Schatzlein, M.D. and Scott Butler.

#### SUMMARY OF FACTS

The substance of the facts and opinions to which I expect to testify are developed through review of pertinent documents and deposition testimony taken in this case. In addition, I rely upon my education, training and experience in my specialty including where applicable the pertinent and relevant literature.